

## REGULAR WEEKLY SESSION---ROANOKE CITY COUNCIL

January 18, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, January 18, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

**PRESENT:** Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel and Mayor C. Nelson Harris-----7.

**ABSENT:** None-----0.

The Mayor declared the existence of a quorum.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

**PRESENTATIONS AND ACKNOWLEDGEMENTS:**

**ACTS OF ACKNOWLEDGEMENT:** The Mayor advised that Shining Star Awards are presented to persons who go above and beyond the call of duty to be of service to their community. On behalf of the Members of Council, he stated that he was pleased to recognize Mr. Jerry L. Dunnavant.

The Mayor explained that a police officer responded to the Memorial Bridge in reference to a subject who was going to jump off the bridge; as the officer arrived on the scene, he observed the man disappear over the bridge; when the officer reached the man, he was hanging over the side of the bridge by a sheet that was tied to his neck and he was approximately 60 feet above the water; he officer then began to pull the man back to safety while placing his own safety and well being in jeopardy by reaching over the side of the bridge without the aid of a safety harness; and upon attempting to reach the man who was two feet from his reach, Mr. Dunnavant held onto the officer's

legs enabling him to reach the victim. The Mayor commended Mr. Dunnivant for his assistance, which enabled the police officer to hold onto the victim, preventing him from falling and relieving the strangling pressure from the victim's neck in order to free him from the bridge.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

**MINUTES:** Minutes of the regular meetings of Council held on Monday, November 15, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

**NAYS:** None-----0.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

**NAYS:** None-----0.

**CITY COUNCIL:** A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the mid-year performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Session as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Session as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-BUILDINGS/BUILDING DEVELOPMENT-ZONING-PARKS AND RECREATION-COMMITTEES-ROANOKE CIVIC CENTER-COMMUNITY PLANNING: A report of qualification of the following persons, was before Council.

Harry F. Collins, Sr., as a member of the Local Board of Building Code Appeals, for a term ending September 30, 2009;

Kermit E. Hale and Benjamin S. Motley as members of the Board of Zoning Appeals, for terms ending December 31, 2007;

Gwendolyn W. Mason as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2007;

Paula L. Prince and Richard A. Rife as members of the City Planning Commission, for terms ending December 31, 2008; and

Daniel E. Wooldridge as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2007.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

MISCELLANEOUS-CITY COUNCIL: William D. Elliot, President, Christene Poulson, Executive Director, and Gini Cooper, Community Solutions Chair, Conflict Resolution Center, spoke with regard to services offered by the Conflict Resolution Center.

Mr. Elliott advised that:

- The Conflict Resolution Center has operated in the City of Roanoke for 15 years, providing mediation and other conflict resolution services and training.
- Community Solutions is one of the Center's newest initiatives, it is believed that community mediation centers are the perfect organizations to assist with issues that affect communities, community mediation centers know the community and are committed to it, centers provide the necessary follow-up, they help to resolve conflicts, they are impartial and maintain confidentiality.
- Increasingly, it seems that citizens want to participate in decision-making and especially when decisions involve issues that are important to them such as renovation of public use facilities, where to construct housing developments and office parks, and how to share resources such as parks and recreation facilities.
- Citizens are becoming better at blocking those initiatives that they object to and they do so because there is no other mechanism for becoming involved in decision-making or for having their issues heard.

- The Community Solutions Program was created because good decisions can be made with a good public participation process; i.e.: people involved in such a process can more easily understand the complexities of issues and consider broader interests that combine environmental, social and economic goals; people will support alternatives they do not especially like when they feel the process that led to the decision was fair and all points of view were considered; good solutions to community issues can be created when people work together; and communities are strengthened when the values of people are understood and validated.
- Participatory problem-solving should occur when issues are high priority and a decision is needed, costs of not building consensus are high, outcome is in doubt, continuing relationships are important, and no single entity has complete decision-making power.
- The reasons to build community consensus are to reduce/heal community rifts, build "social capital" and trust, foster commitment to the implementation of a decision and generate/create an idea.
- Public participation processes may not need to be as extensive when the level of concern about an issue is not great, an emergency decision is required, a judicial precedent is needed to clarify a law or guide future conduct, and constitutional rights are at stake.
- The Conflict Resolution Center provides access to persons who have expertise in designing and delivering public participation processes such as public meetings, public workshops, public dialogues, and collaborative problem solving processes involving mediation and consensus-building, and training in communication and conflict resolution skills that can help persons who work with the public.

Mr. Elliott encouraged the City of Roanoke to use the services of the Conflict Resolution Center and the Community Solutions Program.

The City Attorney was requested to respond with regard to the feasibility of using mediation as opposed to instituting court proceedings on various issues that affect the City of Roanoke.

The City Attorney advised that from time to time he has brought up the concept of mediating land use issues because he has become dissatisfied with litigation as a means of solving public policy issues, alternative dispute resolution is viewed as an alternative, and persons in the legal profession are increasingly being certified in dispute resolution. He referred to recent

instances in which he suggested mediation which is less expensive and time consuming than litigation and the parties involved have more control over the outcome, as opposed to a judge or jury deciding the issue, and mediation also allows the opportunity to work out a mutually beneficial solution.

**BUDGET-CITY EMPLOYEES-PENSIONS:** C. R. Martin, 155 Huntington Boulevard, N. E., representing the Roanoke City Retirees Association, requested a pay increase for City retirees due to the high cost of living, and a health insurance supplement for retired employees 65 years of age and older. He stated that some retirees over the age of 65 are currently paying as much as \$700.00 per month, or \$8,400.00 per annum, for health insurance.

Mr. Martin referred to work-related health and safety issues that affect Police and Fire Department employees and weather-related working conditions that affect Solid Waste Disposal and Water Department employees, many of whom are now elderly and suffer from various types of work-related illnesses. He asked that Council give consideration to these employees during fiscal year 2005-2006 budget study.

Without objection by Council, the Mayor advised that the request would be referred to fiscal year 2005-2006 budget study.

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:** See pages 54-58.

**ITEMS RECOMMENDED FOR ACTION:**

**STATE HIGHWAYS-ECONOMIC DEVELOPMENT-STREETS AND ALLEYS:** The City Manager submitted a communication advising that on November 18, 2004, the Commonwealth Transportation Board adopted a resolution which changed the location of the limited access right-of-way line at the interchange of Route 220 and Wonju Street, and also approved conveyance to the adjacent property owner, the developer of the Ivy Market Project, of a small portion of VDOT-owned property adjacent to the existing Wonju Street right-of-way at the same location; and such action was taken in response to a request by the developer of the Ivy Market Project in order to provide vehicular access to the site from Wonju Street between the Route 220 interchange and Franklin Road.

It was further advised that in order for the change in limited access limits to be effective, and the conveyance of land to be executed by the Commonwealth Transportation Commissioner, the City of Roanoke must take formal action discontinuing such limited access features, pursuant to Section 33.1-58, Code of Virginia (1950), as amended.

The City Manager recommended that Council adopt a resolution discontinuing the limited access features along a portion of Wonju Street as a part of Route 220.

Mr. Dowe offered the following resolution:

(#36936-011805) A RESOLUTION discontinuing the limited access feature along a portion of Wonju Street as part of Route 220, pursuant to §33.1-58, Code of Virginia (1950), as amended.

(For full text of resolution, see Resolution Book No. 69, Page 233.)

Mr. Dowe moved the adoption of Resolution No. 36936-011805. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

**BUDGET-FIRE DEPARTMENT-GRANTS:** The City Manager submitted a communication advising that the Fire Programs Fund was established by the General Assembly, effective October 4, 1985, pursuant to Section 38.1-44.1, Code of Virginia, 1950, as amended; and the sunset clause requiring expiration of the Fund on July 1, 1990 was removed, thus, the City's annual allocation of State funds will continue indefinitely.

It was further advised that program guidelines require that funds received are non-supplanting and may not be used to replace existing local funding; funds must be used in accordance with provisions established by the State Department of Fire Programs; and the City of Roanoke's allocation of \$186,914.76 was deposited in Account No. 035-520-3235-3235 from the Department of Fire Programs.

It was explained that the City's portion of the Roanoke Regional Fire-EMS Training Center debt service is \$60,000.00, which was paid annually from the revenue source; and action by Council is required to formally accept and appropriate the funds, to authorize the Director of Finance to establish revenue estimates and to appropriate accounts in the Grant Fund, in order to purchase equipment and supplies in accordance with provisions of the program.

The City Manager recommended that she be authorized to accept the grant, to accept and file any documents setting forth conditions of the Fiscal Year 2005 Fire Programs Funds Grant, to furnish such additional information as may be required and to appropriate grant funds in the amount of \$186,914.00, with corresponding revenue estimates, in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36937-011805) AN ORDINANCE to appropriate funds for the Fire Program Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 234.)

Mr. Dowe moved the adoption of Ordinance No. 36937-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36938-011805) A RESOLUTION authorizing the acceptance of the FY2005 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of any documents required by the grant.

(For full text of resolution, see Resolution Book No. 69, Page 235.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36938-011805. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris -----7.

NAYS: None-----0.

**AIRPORT-TRAFFIC-BUDGET:** The City Manager submitted a communication advising that during Council's December 6, 2004 briefing session, Transportation Division staff presented information on potential transportation projects; i.e.:

Aviation Drive and Towne Square Boulevard. The proposed improvement will signalize and align the Airport's entrance opposite Towne Square Boulevard and will facilitate at Aviation Drive; allowing westbound movements on Towne Square Boulevard and aligning the Airport's entrance at a signalized intersection is expected to relieve traffic congestion in the vicinity of Hersherberger Road and will help to clear up motorists' confusion of the area between Thirlane Road and the Airport's main entrance; planning level cost estimate for the project is



\$1 million, however, funding of \$250,000.00 would enable preliminary engineering work to begin and would help to facilitate potential private funding from businesses within the vicinity of the project.

Huff Lane Streetscape improvements. The project would improve the streetscape and add parking to Huff Lane between Cornell Drive and Avalon Avenue; the project will improve the neighborhood environment by reducing traffic speeds and providing additional parking for the recreation facilities along Huff Lane; the reduction in speed will be facilitated by a narrowing of the existing travel lanes and the addition of on-street angled parking; the corresponding reductions in traffic speeds will improve the safety of pedestrians visiting the school and the recreation facility along Huff Lane; additional parking will reduce the parking demand within the neighborhood during athletic events at the ball fields; and staff is ready to proceed toward design and implementation of the project, at an estimated implementation cost of \$250,000.00.

It was further advised that funding for each of the projects is available in existing Capital Projects Fund accounts and may be transferred to establish budgets for the projects.

The City Manager recommended that Council transfer funds in the amount of \$250,000.00 from VDOT Highway Projects, Account No. 008-530-9803, to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "Aviation & Towne Square Boulevard Improvements"; transfer funds in the amount of \$150,000.00 from VDOT Highway Projects, Account No. 008-530-9803, and funds of \$100,000.00 from Roadway Safety Improvement Program, Account No. 008-052-9606, to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "Huff Lane Streetscape Improvements".

Mr. Fitzpatrick offered the following budget ordinance:

(#36939-011805) AN ORDINANCE to transfer funding for Aviation Drive, Towne Square Boulevard and Huff Lane Streetscape Improvements Projects, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 236.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36939-011805. The motion was seconded by Ms. McDaniel.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of including funds in future budgets to complete the bridge over I-581 in order to provide better access to Valley View Mall.

Ordinance No. 36939-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

**STATE HIGHWAYS-STREETS AND ALLEYS:** The City Manager submitted a communication advising that Section 33.1-41.1, Code of Virginia (1950), as amended, establishes eligibility criteria of localities for receiving funds from the Virginia Department of Transportation (VDOT) for street maintenance; the State Code section specifies two functional classifications of roadways (Principal/Minor Arterials and Collector/Locals) and establishes a base payment rate per lane mile for each classification or roadway; rates are adjusted annually by VDOT based upon a statewide maintenance index of unit costs for labor, equipment and materials used by VDOT on roads and bridges; City eligibility for fiscal year 2004-2005 is approximately \$9,835,330.00 in street maintenance payments from VDOT; and funds are to be used for eligible maintenance expenditures that the City incurs for streets, sidewalks, curb and gutter, traffic signals, bridges, signs and pavement markings.

It was further advised that City staff has found certain streets that have not previously been identified for VDOT funds that should be submitted to VDOT to enable their eligibility for payment in the next fiscal year; and approval of additions to the street inventory is expected to increase street maintenance payments to the City by approximately \$15,527.00 at current year payment rates.

The City Manager recommended that she be authorized to submit the list of streets to the Virginia Department of Transportation for approval by the Commonwealth Transportation Board to enable State Maintenance Payment eligibility.

Mr. Fitzpatrick offered the following resolution:

(#36940-011805) A RESOLUTION authorizing the City Manager to submit a street inventory for State maintenance payment eligibility to the Virginia Department of Transportation ("VDOT"), upon forms prescribed by VDOT for approval by the Commonwealth Transportation Board, in order to ensure the City's eligibility for State maintenance funds.

(For full text of resolution, see Resolution Book 69, Page 237.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36940-011805. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

**NAYS:** None-----0.

**BUDGET-GREENWAY SYSTEMS-ISTEA:** The City Manager submitted a communication advising that the City of Roanoke was previously notified by VDOT that a \$200,000.00 transportation enhancement grant was approved for the Roanoke River Greenway through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21); appropriate documents have been forwarded to City of Roanoke staff; a project development agreement must now be executed between the City of Roanoke and VDOT, which will define the responsibilities of each party for the project; funds would be applied to a portion of Phase 2 of the Roanoke River Greenway Project (Wasena Park to the City of Salem); the City of Roanoke will be responsible for the match requirement of \$50,000.00 which is available in Greenway Project Account No. 008-620-9753; and the \$200,000.00 of TEA-21 Enhancement funds must be appropriated to the project account.

The City Manager recommended that she be authorized to execute an agreement with the Virginia Department of Transportation; that Council appropriate \$200,000.00 to Greenway Project Account No. 008-620-9753; and establish a revenue estimate in the same amount for TEA-21 Enhancement funds to be funded by VDOT.

Mr. Cutler offered the following budget ordinance:

(#36941-011805) AN ORDINANCE to appropriate TEA-21 Enhancement Grant funding to be provided by VDOT for the Roanoke River Greenway Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 237.)

Mr. Cutler moved the adoption of Ordinance No. 36941-011805. The motion was seconded by Ms. McDaniel.

The City Manager was requested to respond with regard to a potential timetable for greenway construction.

She advised that the plan for the Roanoke River Flood Reduction Project, which is to be done in two phases, includes a greenway for the entire length, and a significant portion of the cost of greenway construction involves local dollars as opposed to Federal dollars; the actual timetable for construction of the Roanoke River Flood Reduction Project continues to be an elusive issue because there appears to be another complication in connection with awarding the construction contract, even with the \$5 million that Congressman Bob Goodlatte was successful in securing for the City of

Roanoke; and the City has been advised that it must identify a portion of the project that would equate to the amount of money that is actually available, rather than the previous process used by the Federal government to award the entire contract and then build only as much as was available dollar-wise in any given year with the understanding that future funds would become available. She stated that now that the City is required to select projects along the route rather than create a continuous portion at a single time, it would be difficult to predict a time-frame when the greenway would be constructed for the entire length of the Roanoke River Flood Reduction project. She added that the choice of this particular segment was an attempt to match up with greenway work that is occurring within the City of Salem in order to provide a continuous stretch, but does not diminish the City's desire to complete the entire portion of the greenway at some point in the future.

Upon question, the City Manager advised that it will be communicated to the U. S. Army Corps of Engineers that the City plans to use the approximately \$3 million for one to two bench cuts and certain other smaller and related activities that would directly benefit flood reduction.

Ordinance No. 36941-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36942-011805) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the Roanoke River Greenway.

(For full text of resolution, see resolution Book 69, Page 238.)

Mr. Cutler moved the adoption of Resolution No. 36942-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

CITY ATTORNEY:

**CITY CODE-SCHOOLS:** The City Attorney submitted a written report advising that pursuant to the request of Council, he has prepared an ordinance which would amend the City Code to simplify the procedure used by Council to select School Board Trustees; Council has had in place for many years a procedure which includes numerous requirements and specified time periods that have proven to be cumbersome to comply with; the process that has been used by Council is much more detailed than that which is required by law; and Section 22.1-29.1, Code of Virginia, (1950), as amended, provides as follows:

“At least seven days prior to the appointment of any school board member pursuant to the provisions of this chapter,...the appointing authority shall hold one or more public hearings to receive the views of citizens within the school division. The appointing authority shall cause public notice to be given at least ten days prior to any hearing by publication in a newspaper having a general circulation within the school division. No nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member.”

The City Attorney further advised that Council has adopted a procedure for making appointments to the City’s major boards and commissions which will ensure opportunities for citizen participation in the process of selecting School Board trustees.

Mr. Cutler offered the following ordinance:

(#36943-011805) AN ORDINANCE amending Article II, Procedure for Election of School Trustees, of Chapter 9, Education, Code of the City of Roanoke (1979), as amended, by repealing §§9-16 through 9-23, relating to the election of school trustees, and by adding a new §9-24, Filling of vacancies on school board, in order to simplify the process of filling such vacancies; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 239.)

Mr. Cutler moved the adoption of Ordinance No. 36943-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

BRIEFINGS: See pages 59-61.

**REPORTS OF COMMITTEES:**

**BUDGET-SCHOOLS:** A communication from the Roanoke City School requesting appropriation of the following funds:

- \$15,000.00 for the Chess Program to pay for chess materials and tournament participation costs, which continuing program has received a private donation;
- \$1,000.00 for the Autism Spectrum Disorders program to fund supplies for professional development activities related to autism spectrum disorders, said program to be reimbursed 100 per cent by Federal funds;
- \$162,543.00 for the Blue Ridge Technical Academy to provide a business and technical training program for a diverse population of students, said appropriation representing the final allocation of fiscal year 2004-2005 local match funds;
- \$1,600,000.00 for Fallon Park Elementary School improvements including electrical, heating, ventilation, and air conditioning upgrades, said funding to be provided from the Virginia Literary Fund and Qualified Zone Academy Bonds;
- \$3,850,000.00 for the Westside Elementary School renovation project to be used for construction of renovations and additions, said funding to be provided from the Virginia Literary Fund;
- \$186,000.00 for the design of heating and air conditioning system upgrades for Raleigh Court and Monterey Elementary Schools, said funding to be provided from Capital Project Reserve Funds; and
- \$130,500.00 for the Preschool Incentive program to provide additional diagnostic assessment services for handicapped students who will be entering the public schools system for the first time in the fall, said new program to be reimbursed 100 per cent by Federal funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was before the body.

Mr. Fitzpatrick offered the following budget ordinance:

(#36944-011805) AN ORDINANCE to appropriate funding for the Chess Program, Autism Spectrum Disorders Program, Blue Ridge Training Academy, Fallon Park Elementary School and Westside Elementary School Renovations, and heating and air system upgrades for Raleigh Court and Monterey Elementary Schools, amending and reordaining certain sections of the 2004-2005 School and School Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 243.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36944-011805. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUSES-CITY COUNCIL-SCHOOLS: Council Member Cutler called attention to the popularity of bus service between the City of Roanoke, Ferrum College, Roanoke College and Hollins University, and the Smart Way Transit service between Roanoke and the New River Valley has generated considerable ridership.

BRIDGES: Council Member Cutler advised that the \$500,000.00 secured by Congressman Bob Goodlatte from the Department of Transportation for the Martin Luther King, Jr., Memorial Bridge, which was originally restricted to a vehicular bridge, may now be used for a pedestrian bridge; however, procedural requirements of the Virginia Department of Transportation may slow the process down.

The City Manager advised that it is intended to erect signage at both ends reflecting the official name of the bridge inasmuch as approval has been received from the Martin Luther King, Jr. Foundation, and signage will incorporate not only the name of the bridge but that the project is under design.

**ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL:** Council Member Dowe congratulated various entities within the City of Roanoke for hosting celebrations honoring the life of Dr. Martin Luther King, Jr., on Monday, January 17, 2005. He also congratulated Council Member Lea who served as keynote speaker at the Southern Christian Leadership Conference (SCLC) Freedom March program on January 17. He commended the citizens of the City of Roanoke on continuing to grow in various areas of diversity and encouraged citizens to examine themselves to ensure that they are a part of the solution in order to make a difference in their City.

**COMPLAINTS-METHADONE CLINIC-CITY COUNCIL-SCHOOLS:** Council Member Lea expressed appreciation to the Members of Council for their attendance at various Dr. Martin Luther King, Jr. activities which were held throughout the weekend.

With regard to the proposed methadone clinic on Hershberger Road, he inquired if the City of Roanoke can regulate operating hours of the clinic so as not to conflict with operating hours of schools in the area; can the City enact legislation that would prohibit drugs from leaving the premises of the methadone clinic; and has the City received notification of the official opening date of the methadone clinic.

The City Attorney responded that the City of Roanoke has no direct regulatory control over the methadone facility in question; if it were a facility that was just locating in the City of Roanoke, a special exception permit from the City's Board of Zoning Appeals would be required; the methadone clinic was required to obtain three permits from the City; i.e.: a business license which was issued for the first time in November 2003 and renewed by the Commissioner of the Revenue for 2004; a zoning certificate which was issued in November, 2003; and a Certificate of Occupancy to occupy the building which was issued in December, 2003, and no other licenses are required to be obtained from the City. He stated that regulating the hours of operation would require specific enabling legislation from the General Assembly because operation of the clinic is regulated by State and Federal governments, none of which are within the City's control. He added that his only knowledge with regard to hours of operation of the methadone clinic was included in a recent newspaper article which indicated that the clinic would open for business before the opening of schools in the area.

Council Member Lea inquired if the City has been officially notified of the opening date of the methadone clinic. The City Manager responded that the Police Department has received information relative to a possible opening date, but to the best of her knowledge, the City has received no official notice. She advised that she, as well as the Council, have stated on a number of occasions that the City is not pleased with the presence or location of the methadone clinic in the community, but given the fact that there appears to be no way to prevent its opening, the Council and the City Manager have



given assurance to the community that the City will monitor the performance of the facility to ensure compliance with all City of Roanoke laws and regulations. She added that the City has undertaken preparatory steps to look at traffic issues and security issues in the Hershberger/Cove Road area.

Council Member Dowe stressed the importance of continuing to look for alternative locations for the facility.

**CITY COUNCIL:** The Mayor expressed appreciation to Council Members and Council Appointed Officers for their participation in the Council's Planning Retreat which was held on Thursday, January 13, 2005, at The Hotel Roanoke Conference Center.

**ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY:** The Mayor commended all persons who participated in the Cradle to Cradle housing program. He advised that the reception was well attended and called attention to the geographic diversity of those persons who submitted applications; the competition showcased the City of Roanoke; judges were stellar in their individual areas of expertise; and an interest has been expressed with regard to building on this year's competition.

**ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES:** The Mayor called attention to a luncheon which was held on Tuesday, January 11, 2005, recognizing City employees for their years of service. He commended the Members of Council for their attendance and support of those employees who serve the citizens of City of Roanoke.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

**PARKS AND RECREATION-ARMORY/STADIUM:** Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the installation of a soccer field in East Gate Park. He asked that Victory Stadium not become a part of Roanoke's past and that the facility be renovated for present and future generations of Roanokers.

**AIRPORT-BRIDGES-ARMORY/STADIUM:** Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium. He commended Council on the decision to make the First Street Bridge a pedestrian bridge as a tribute to Dr. Martin Luther King, Jr., in lieu of razing the structure. He suggested that the former airport terminal building be used for office space.

**COMPLAINTS-ARMORY/STADIUM-CITY EMPLOYEES-SNOW REMOVAL:** Mr. Robert Gravely, 727 29<sup>th</sup> Street, N. W., spoke in opposition to the City engaging the services of private contractors to remove snow from City streets;

an inadequate pay scale for City employees; indecision regarding the future of Victory Stadium; the loss of the City's population base; and the lack of entertainment opportunities/attractions in downtown Roanoke.

**CITY MANAGER COMMENTS:**

**ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY:** The City Manager reported on the Cradle to Cradle housing design competition that attracted over 1000 visitors to the Art Museum of Western Virginia. She referred to public exposure of the competition; i.e.: an article in the *New York Times* and two film companies recorded the entire process for a PBS television special. She called attention to the need to proceed to the next step which is to ensure that some of the homes are constructed in the City of Roanoke; while there were approximately 220 designs that were judged, eight were selected as winners; a pattern book will be prepared containing all 220 plus designs, with the goal of generating interest among private citizens and developers toward construction of homes in an effort to create a new sense about future housing in the City of Roanoke and how the Roanoke area can serve as a model. She noted that jurors have encouraged the City to replicate the competition on an annual basis and a recommendation will be submitted to Council in the near future. She stated that the next phase is to identify resources, both public and private, with regard to construction of several of the homes this summer and efforts are underway to welcome back to the community those students who participated in the competition so that they may witness the process of moving from a design concept to actual construction.

At 3:30 p.m., the Mayor declared the Council meeting in recess for two briefings and three Closed Sessions in the Council's Conference Room.

The meeting reconvened in the Council's Conference Room at 3:35 p.m.

**TAXES:** Susan S. Lower, Director of Real Estate Valuation, advised that citizens will receive a notice of change in the value of their real estate on January 18, 2005, and in accordance with the Code of Virginia, Ad Valorem Taxation, the Office of Real Estate Valuation has completed the Annual General Reassessment for Fiscal Year 2005-2006 and Change of Assessment notices were mailed to 43,107 property owners on January 17, 2005.

She advised that:

- The City's real estate tax base increased approximately 7.46 per cent due to this year's annual reassessment, which is subject to appeals and excludes new construction.
- Nearby localities experienced similar increases in property values, with Roanoke County assessments having increased by 7.15 per cent this year and values increased in the City of Salem 11.5 per cent over the two-year assessment cycle.

- New construction in the City of Roanoke totals \$51.5 million and will add another 1.03 per cent to the tax base for fiscal year 2005-2006, which is down from last year's 1.23 per cent increase.
- Residential new construction totals \$29.4 million and commercial new construction totals \$22.1 million, while last year's projections for new construction totaled \$57.1 million, or \$33.6 million for residential and \$23.5 million for commercial.
- Overall, general reassessment and new construction indicate an increase of 8.49 per cent in the real estate tax base for fiscal year 2005-2006, while last year's increase was 7.97 per cent before adjustments.
- Values will be adjusted for appeals, tax freezes, tax abatements and other miscellaneous items to arrive at a revenue estimate for fiscal year 2005-2006.
- The Office of Real Estate Valuation is charged with appraising all real property in the City of Roanoke at 100 per cent of market value.
- The downward trend in mortgage interest rates contributed greatly to an active real estate market again this year.
- As demands for residential housing continued to reach unprecedented levels and building costs increased significantly, the sales price of housing increased and was one of the primary factors in the overall increase in assessments for the 2005-2006 fiscal year.
- Individual property assessments may vary widely from the City-wide average of 7.46 per cent.
- Most assessment increases will range from five per cent to nine per cent, with a majority at 7.5 per cent; however, if an owner has made significant improvements to a property during the year, the property owner may receive an increase greater than the average.
- Assessment appeals will be conducted from January 17 - February 14, 2005.

In further explanation of the reassessment process, Ms. Lower advised that:

- Market value is defined as the amount a typical, well-informed purchaser would be willing to pay for a property.
- The Mission Statement for the Department of Real Estate Valuation is:

“As a team of dedicated professionals, we strive to provide fair and accurate assessments on all real estate. We pledge to deliver extraordinary customer assistance and serve as a comprehensive information source. We will accomplish this through a collaborative effort, with continuous learning, an emphasis on hard work, and a commitment to excellence.”

- Proval, which is a new mass appraisal system, was purchased in 2001.
- Proval conversion was set up in three phases:
  - Phase I – digital photos and sketches (2002)
  - Phase II – walked half the City (2003)
  - Phase III – walked other half of the City (2004)

#### City of Roanoke Residential Sales Data Comparisons:

<u>Year</u>	<u>Total Sales</u>	<u>Percentage Change in Number of Sales</u>	<u>Total Sale Price</u>	<u>Percentage Change In Sale Price</u>
2001	4509	N/A	\$354,765,345	N/A
2004	4527	4.0 %	\$752,375,047	112.08%

Council Member Wishneff asked that new home sales be separated from the total.

In a later response, Ms. Lower advised that there were 159 new home sales in 2001 totaling \$27,905,295.00, or an average value of \$175,505.00; and there were 111 new home sales in 2004, totaling \$17,261,954.00, or an average value of \$155,513.00.

- What is sales ratio?

The ratio of an appraisal or assessed value to the sale price or adjusted sale price of a property.

Assessment = \$140,000.00

Sale Price = \$150,000.00

Sales Ratio = 93%

(\$140,000.00/\$150,000.00 = .93)

- Target Sales Ratio for the City of Roanoke is 93% to 95%.
- Department of Taxation Sales Ratio Study:

<u>Year</u>	<u>Preliminary Ratio</u>	<u>Posted Ratio</u>
2004	92.2	
2003	91.5	
2002	87.2	88.80
2001	91.0	91.12
2000	94.3	92.08
1999	94.9	92.93
1998	93.8	94.03
1997	92.6	93.01
1996	94.6	94.54
1995	95.1	90.30
1994	90.6	93.30
1993	94.5	94.50
1992	88.5	92.30
1991	N/A	93.40
1990	N/A	92.20

- Preliminary Ratio is based on four months of sales from November - February

Preliminary Ratio is used for public utilities only

Posted Ratio is Roanoke's Assessment Ratio

The 2002 Posted Ratio compares the 2003 sales to 2002 assessments

- 2002 Sales Ratio Study for other jurisdictions:

<u>Cities/Counties</u>	<u>No. Parcels</u>	<u>Median Ratio</u>
Roanoke City	45,468	89%
Roanoke County	42,920	91%
Charlottesville	13,520	81%
Fairfax City	8,551	83%
Hampton	49,992	92%
Lynchburg	29,334	91%
Newport News	52,390	92%
Norfolk	73,738	86%
Richmond	74,356	87%
Salem	10,194	83%
Virginia Beach	148,591	86%
Danville	26,030	86%

- **Areas of concentration:**

- Land Values**

- Most land values increased 10% to 15%

- Targeted residential land to building ratios 20% to 25%

- Demand for land is high and supply is low

- Neighborhoods with low sales ratios

- Income producing properties

- **Real Estate Assessment projections for fiscal year 2005-2006:**

- The tax base will increase by 7.46 per cent

- Projected fiscal year 2004 - 2005 is 6.74 per cent

- New construction will increase 1.03 per cent

- Projected fiscal year 2004 - 2005 is 1.23 per cent

- Total increase overall is 8.49 per cent

- Projected fiscal year 2004 - 2005 is 7.97 per cent

- **A survey of other reassessment increases in Roanoke County, Salem, Lynchburg, Franklin County, Montgomery County and Botetourt County was reviewed.**

- **An increase in real estate assessments is a good thing; neighborhoods are strong and growing; revitalization is taking place; and real estate is a good investment, both in residential and commercial.**

- **National Association of Realtors predictions for 2005 are:**

- Existing home sales will fall 4% and p/u in 2006

- New home sales and single family housing will fall slightly in 2005 and 2006

- Home sales will bring a more reasonable rate of home price appreciation in 2005

- Continue to have an active market

- **The following tax relief programs are available:**

- Elderly Tax Freeze

- Disability Tax Relief Program

- Rehabilitated Tax Abatement

- Land Use

- Proposed Solar Energy Abatement

**TAXES:** The City Manager advised that Council approved certain changes in the tax abatement program, pursuant to Ordinance No. 34915-071700, which was adopted on July 17, 2000, and deferred action on other issues pending further study. She stated that a suggestion was offered to either wait for adoption of the Strategic Housing Plan, or to consult with those persons working on the plan with regard to whether or not to impose a cap on the value of homes that would receive the tax abatement. She advised that various options have been reviewed by a committee composed of the City Manager, Director of Finance, Director of Management and Budget, Director of Planning and Community Development, Director of Real Estate Valuation and others, and the purpose of the briefing was to receive input from Council with regard to a proposed recommendation by City staff.

The Director of Real Estate Valuation advised that at the Council briefing on September 7, 2004, she was requested to respond to the following questions:

- (1) Which localities with similar programs have instituted a dollar cap on the core value of properties that participate in the real estate tax abatement program?

Response: No other jurisdictions allow caps.

- (2) Do other localities target specific neighborhoods or are rehab programs offered city-wide?

Response: All but one program is city wide and only three jurisdictions actually target certain areas.

- (3) To seek input from the Housing Strategic Plan Steering Committee on recommendations for changes in tax exemption requirements for the rehabilitation of residential real property.

Response: From a strategic standpoint, the Steering Committee is of the opinion that the intent of the program should be to improve the overall quality of housing in the City, and not necessarily to simply revitalize aging and deteriorating structures; as such, the program should be directed to property owners in all price ranges in the City's housing market; and Steering Committee members opposed the idea of a \$200,000.00 cap on assessed value prior to rehabilitation. Although the Steering Committee agreed with eliminating the restriction that total square footage must not be increased by more than 15 per cent; the Steering Committee agreed in concept with the recommendation that would allow demolition of a residential structure with an assessed value below \$5,000.00, however, the Steering Committee believes that the dollar figure should be higher and requested that the recommendation be revised to a figure between \$10,000.00 and \$25,000.00.

Ms. Lower referred to information on projected rehab tax revenue foregone on properties greater than \$200,000.00 and advised that using projected averages and forecasted averages on existing homes it is believed that the range for foregone revenues of properties greater than \$200,000.00 would be in the neighborhood of \$200,000.00 - \$400,000.00, and if added to the existing program approaching \$600,000.00, total revenue foregone by 2008 would be in the \$1 million range.

Ms. Lower advised that the following recommendations are submitted for consideration by Council:

- Eliminate the restrictions on increased square footage on residential real property; currently, total square footage must not be increased by more than 15 per cent.
- For a residential structure with an assessed value below \$10,000.00, allow an exemption if the structure is demolished provided that the replacement structure is a single-family residence with an assessed value of at least 120 per cent of the median value of other dwelling units in the neighborhood; the exemption shall not apply when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district; and currently, an exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed.
- For any residential structure which has an assessed value, prior to rehabilitation, equal to or greater than \$300,000.00, the exemption shall begin on July 1 of the tax year following completion of the rehabilitation, renovation, or replacement and shall run with the real estate for three years; and this will apply regardless of its historic designation location or the per cent net reduction in number of dwelling units after rehabilitation.

Ms. Lower reviewed the following proposed rehab marketing strategy:

- Update a brochure that will be included in a “book like” format complete with residential and commercial examples and an application for the Rehab Program which will be distributed to the Building Department, Housing Services, Loan Officers at local banks, etc.
- Address neighborhood organizations
- Channel 3, RVTv



- Citizen Magazine
- Advertise through mass mailings similar to advertising for residential real estate transfers in the City
- Update the web site with a rehab application button ready to print for all inquiries
- When appraisers walk their neighborhoods and observe a potential candidate for the Rehab program, the homeowner will be informed about the program
- When appraisers work their building permits, if a potential candidate for the Rehab program is identified, the homeowner will be informed of the incentive

With the concurrence of Council, the City Manager advised that Council will be requested to approve the above referenced recommendations at its meeting on Monday, February 7, 2005.

The Council convened in Closed Session in the Council's Conference Room.

At 7:00 p.m., on Tuesday, January 18, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel and Mayor C. Nelson Harris-----7.

ABSENT: NONE-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

**PUBLIC HEARINGS:**

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center and CHS, Inc., that a 15 foot alley running between Whitmore Avenue and Reserve Avenue, S. W., and parallel to Jefferson Street, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday December 31, 2004, and Friday, January 7, 2005.

The City Planning Commission submitted a written report recommending that Council approve the request to vacate, discontinue and close the alley, subject to certain conditions as more fully set forth in the report, and that the petitioners not be charged for the property due to adoption of the South Jefferson Redevelopment Plan in which all property acquisition will be carried out by the Roanoke Redevelopment and Housing Authority on behalf of the City.

Daniel F. Layman, Jr., Attorney, appeared before Council in support of the request of his clients.

Mr. Fitzpatrick offered the following ordinance:

(#36945-011805) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 245.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36945-011805. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36945-011805 was adopted by the following vote:

**AYES:** Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

**NAYS:** None-----0.

**COMMUNITY PLANNING-NEIGHBORHOOD PLANS-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on amendment of *Vision 2001-2020*, the City's Comprehensive Plan, to include the Fairland and Villa Heights Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 31, 2004, and Friday, January 7, 2005; and in *The Roanoke Tribune* on Thursday, January 6, 2005.

A communication from the City Planning Commission advising that *Vision 2001-2020* recommends that detailed neighborhood plans be developed and adopted for each of Roanoke's neighborhoods; and the plan for Fairland/Villa Heights has been reviewed by the neighborhood, by City staff and by the Long Range Planning Committee of the City Planning Commission.

It was further advised that the Neighborhood Plan identifies the following high priority initiatives:

- Residential Development - encourage the design and development of new housing that is compatible with existing structures, attract new homeowners by developing infill parcels and make the neighborhood more attractive by placing greater emphasis on code enforcement violations, and emphasize rehabilitation of substandard housing.
- Infrastructure - improve storm water drainage, emphasizing Cove Road, Lafayette Boulevard and Fairland Road. Improve streetscapes by providing proper maintenance of trees and shrubs, planting new street trees, and improving sidewalks and curb and gutter systems for the entire neighborhood. Establish traffic safety measures for Lafayette Boulevard, Cove Road, and incorporate alternative transportation corridors for bicycles.
- Economic Development - identify the areas around the intersection of Cove Road and Lafayette Boulevard and the intersection of Lafayette Boulevard and Melrose Avenue as Village Centers. Consider establishing incentives for small business development within these areas.
- Code Enforcement - improve the area's physical appearance by continuing to target the neighborhood for code enforcement.

The City Planning Commission recommended adoption of the Fairland and Villa Heights Neighborhood Plan as a component of *Vision 2001-2020*, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36946-011805) AN ORDINANCE approving the Fairland and Villa Heights Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Fairland and Villa Heights Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 247.)

Mr. Dowe moved the adoption of Ordinance No. 36946-011805. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

Council Member Dowe commended his father, Alfred T. Dowe, Sr., for his outstanding service to the Fairland Civic Organization over the past 25+ years. He also acknowledged, with appreciation, the influence of his mother and father on his life as he observed their steadfast and unwavering commitment to the City of Roanoke.

There being no further questions or comments by Council Members, Ordinance No. 36946-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

COMMUNITY PLANNING-NEIGHBORHOOD PLANS-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an amendment of *Vision 2001-2020*, the City's Comprehensive Plan, to include the Grandin Court Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 31, 2004, and Friday January 7, 2005.

A communication from the City Planning Commission advising that Grandin Court is a well-defined residential community bordered by Grandin Court to the north, Creston Avenue to the south, Persinger Road to the east, and Roanoke County to the west; the neighborhood is fully developed with most of the homes having been built between 1920 and 1960; and Brambleton Avenue and Grandin Road provide access to other parts of the region.

It was further advised that the Neighborhood Plan proposes four priority initiatives and recommendations:

1. **Reactivate the Grandin Court Civic League:**

Residents should be involved in neighborhood improvement and advocacy.

2. **Strengthen neighborhood identity:**

Install gateway signs at specific locations on Brambleton Avenue and Brandon Road.

3. **Encourage the establishment of vibrant village centers.**

Located along the western segment of Brambleton Avenue and at the intersection of Grandin Court and Guilford Avenue; village centers should be dense, compact in size, and identifiable; uses in village centers should generally be neighborhood-oriented commercial, but should also contain some businesses that serve a larger market.

The village center on Brambleton Avenue should make a distinct change in character when entering from Roanoke County; the development pattern and infrastructure should resemble more of a main street than a continuation of a strip commercial pattern found in the county.

4. **Improve corridors and gateways:**

Streets and gateways should be attractively designed; specific attention should be placed on Brambleton Avenue because it is a major gateway to Roanoke; functionally, streets will accommodate autos, pedestrians, and bicycles; trees should be used to create a canopy over streets, so large species of trees should be used whenever possible.

Traffic-calming strategies should be incorporated into improvements; and the priority should be on providing an improved pedestrian environment.

The City Planning Commission recommended that Council adopt the Grandin Court Neighborhood Plan as a component of *Vision 2001-2020*, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36947-011805) AN ORDINANCE approving the Grandin Court Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Grandin Court Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 248.)

Mr. Dowe moved the adoption of Ordinance No. 36947-011805. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There was discussion with regard to:

Whether a football stadium on the Patrick Henry High School campus would be in conformity with the Neighborhood Plan; whereupon, R. Brian Townsend, Director of Planning, Building and Development, advised that the Plan does not recognize a football stadium, nor did the Office and Institutional District rezoning that was approved by Council some time ago envision a football stadium for Patrick Henry High School.

The reactivation of the Grandin Court Civic League

An acknowledgement of appreciation that the Neighborhood Plan referenced the need to be sensitive to the Brambleton Avenue commercial corridor; i.e.: sensitive to not only appropriate commercial development, but also recognizing the area as a gateway not only to the Grandin Court neighborhood, but to the City.

Appreciation was expressed for the manner in which City staff responded to the concerns of the neighborhood with regard to the increasing percentage of rental property in comparison to the percentage of property that is owner occupied.

Mr. Townsend reported on the status of neighborhood plans. He advised that three neighborhood plans are currently underway; i.e.: Peters Creek South, the East Gate - Hollins Road area which is the Route 460 corridor, and Garden City. He stated that upon completion in the spring, neighborhood plans will be forwarded to the City Planning Commission and to City Council for approval; and upon approval by Council and the City Planning Commission, neighborhood plans will have been completed for all areas of the City. He noted that the goal will then be to upgrade the three neighborhood plans that were prepared in the late 1980's and early 1990's; South Roanoke,

Deyerle and Raleigh Court to bring the plans into conformity with the City's Comprehensive Plan; and the Mill Mountain area has been removed from the neighborhood planning map since the Parks and Recreation Department will prepare a master plan for the Mill Mountain area that will become a part of the Comprehensive Plan upon completion.

Question was raised with regard to the merit of preparing a revised Comprehensive Plan to include all neighborhood plans, the City's Urban Forestry Plan, and the Parks Master Plan; whereupon, Mr. Townsend advised that from a technical standpoint, every time a neighborhood plan is adopted by Council, the Comprehensive Plan is amended; documents are published separately because they are distributed by neighborhood; and a document could be prepared including the various plans which could also be accessed via the City's website.

The City Manager pointed out that the Comprehensive Plan will be updated in another year pursuant to a previous commitment to update the plan in five years, to then be followed by ten year updates.

Ordinance No. 36947-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

**AIR RIGHTS-MARKET SQUARE PARKING GARAGE:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to issue a revocable permit for air rights to Colonial Partners, LLC, across a portion of City owned property known as 204 Jefferson Street for a period of five years, subject to renewal upon mutual agreement of the parties and for the initial consideration of \$2,800.00, to allow construction of a pedestrian bridge and associated lighting and security cameras to connect to the City's Market Square Parking Garage, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, January 7, 2005.

The City Manager submitted a communication advising that the property owner, Colonial Partners, LLC, has requested a revocable permit for air rights to allow the construction of a pedestrian bridge and associated lighting and security cameras to connect the building to the City's Market Square Parking Garage; the revocable permit for air rights will include the right to construct, maintain, repair, replace and remove the structure to be constructed; the proposed permit will be for an initial term of five years, subject to renewal in five-year terms upon mutual agreement of both parties;

permit payment is recommended to be a lump sum fee of \$2,800.00 for initial term of the agreement; and the value was established by calculating the fee simple value of the 79 square foot footprint of the permit area and reducing that by 75 per cent.

It was further advised that the proposed pedestrian bridge will connect the two buildings between the fourth floors and will be one level, located approximately 35 feet above ground level and extending upward therefrom for a distance of approximately 16 feet.

The City Manager explained that City staff recommends authorization of a revocable permit for air rights for the structure, including provision for a performance bond for removal of the structure should the use terminate, should the structure be allowed to deteriorate unreasonably, or be damaged to the point that the owners do not wish to repair it; the performance bond shall be in the amount of \$15,000.00, which amount shall be reviewed periodically and adjusted as needed to ensure that the amount is sufficient to remove the structure; the owner shall be responsible for utilities, biennial inspections, maintenance, and installation and maintenance of security cameras and all lighting which may be required under the structure or on the structure in order to provide adequate lighting for the area within and under the structure; and indemnification and general liability insurance, bodily injury, and property damage liability insurance coverage, with the City to be named as additional insured, shall be provided by the owner.

The City Manager recommended that she be authorized to execute a revocable permit, the form of which shall be approved by the City Attorney, for air rights as above described to allow construction for a pedestrian bridge located approximately 35 feet above ground level and extending upward for a distance of approximately 16 feet, for the initial consideration of \$2,800.00.

Mr. Dowe offered the following ordinance:

(#36948-011805) AN ORDINANCE granting a revocable permit for air rights across a portion of City owned property to allow the construction of a pedestrian bridge to connect the building identified by Official Tax Map No. 4010801, commonly known as 204 Jefferson Street, to the City's Market Square Parking Garage, and to permit the installation of lighting and security cameras in the City's Market Square Parking Garage, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 249.)

Mr. Dowe moved the adoption of Ordinance No. 36948-011805. The motion was seconded by Mr. Fitzpatrick.



The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

Council Member Cutler advised that he has entered into a contract to acquire living space at 204 Jefferson Street and inquired if he should abstain from voting on the ordinance; whereupon, the City Attorney suggested that Mr. Cutler abstain from voting on Ordinance No. 36948-011805.

There being no further questions or comments by Council Members, Ordinance No. 36948-011805 was adopted by the following vote:

AYES: Council Members Wishneff, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Cutler abstained from voting.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

No citizens requested to be heard.

COUNCIL: With respect to the Closed Meeting concluded earlier in the day, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-ROANOKE NEIGHBORHOOD PARTNERSHIP-COMMITTEES: The Mayor advised that there is a vacancy on the Roanoke Neighborhood Advocates created by the resignation of Richard Nichols; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Maurine P. Castern.

There being no further nominations, Ms. Castern was appointed as a member of the Roanoke Neighborhood Advocates to fill the unexpired term of Richard Nichols, resigned, ending June 30, 2007, by the following vote:

FOR MS. CASTERN: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-YOUTH SERVICES CITIZEN BOARD: The Mayor advised that there are vacancies on the Youth Services Citizen Board created by the resignations of F. B. Webster Day and Cheryl D. Evans; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Fitzpatrick placed in nomination the names of Frances L. Craveb and Mark H. Hurley.

There being no further nominations, Ms. Craveb and Mr. Hurley were appointed to fill the unexpired terms of Cheryl D. Evans, and F. B. Webster Day, resigned, as members of the Youth Services Citizen Board, for terms ending May 31, 2006, by the following vote:

FOR MS. CRAVEB AND MR. HURLEY: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE BOARD OF DIRECTORS: The Mayor advised that the three year term of office of Dolores Y. Johns as a member of the Blue Ridge Behavioral Healthcare Board of Directors expired on December 31, 2004, Ms. Johns is ineligible to serve another term; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Dowe placed in nomination the name of Vincent G. Dabney.

There being no further nominations, Mr. Dabney was appointed as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2007, by the following vote:

FOR MR. DABNEY: Council Members Wishneff, Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----7.

There being no further business, the Mayor declared the meeting adjourned at 7:30 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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